

Message Text

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ACTION EB-08

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FM AMEMBASSY PRAGUE

TO SECSTATE WASHDC 5660

C O N F I D E N T I A L PRAGUE 1677

E. O. 11652: GRDS

TAGS: ETRD, CZ

SUBJECT: REQUEST FOR INFORMATION ON LABOR STANDARDS

REF: STATE 136706

1. QUESTIONS POSED BY REFTEL ON IN-COUNTRY LABOR STANDARDS UNDERSTANDABLY APPEAR TO HAVE BEEN DRAFTED WITH A NON-COMMUNIST COUNTRY IN MIND. IN CZECHOSLOVAKIA, THERE ARE VARIOUS LAYERS OF LAWS AND REGULATIONS - FROM THE FEDERAL CONSTATION DOWN TO ENTERPRISE REGULATIONS - WHICH PURPORT TO GUARANTEE WORKERS ALL SORTS OF BENEFITS AND PROTECTION. SINCE THE COMMUNIST PARTY RULES WITHOUT CHALLENGE OR RESTRAINT IN THE NAME OF THE "WORKING CLASS", IYIHAS ENACTED A VAST LEGAL FRAMEWORK WHICH OSTENSIBLY PROTECTS WORKERS INTERESTS BUT WHICH MERELY JUSTIFIES THE PARTY'S RIGHT TO RULE. FOR EXAMPLE, THE ALL-ENCOMPASSKG PARTY TRADE UNION ("ROH" FOR REVOLUTIONARY TJNDE UNION MOVEMENT) PURPORTS TO ADVANCE WORKER-ES INTERESTS IN ALL MANNER OF WAYS. IN FACT, THE ROH IS A MECHANISM FOR CONTROLLING WORKERS AND CARRYING OUT PDYBY POLICY.

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2. ONE RESULT OF THIEVCICHOTOMY BETWEEN APPEARANCE AND REALITY IS THAT OUTSIDERS CANNOT BE CERTAIN JUST HOW, WHEN AND TO WHAT EXTENT LEGAL GUARANTEE OF WORKER'S RIGHTS ARE ACTUALLY ENFORCED. ONE GRAPHIC EXAMPLE CONCERNS WORK-PLACE SAFETY. WHEN EMBOFFS HAVE ASKED LOCAL OFFICIALS ABOUT THIS, THEY HAVE

SANCTIMONIOUSLY CITED THE HIGH SAFETY STANDARDS REQUIRED BY LAWS AND REGULATIONS AND INSISTED THAT ALL THESE STANDARDS ARE FULLY ENFORCED. IN REALITY, EMBOFFS AND OTHER OUTSIDERS NOTE FREQUENT AND SOMETIMES APPALLING BREACHES OF SAFETY STANDARDS DURING THE RARE PLANT VISITS THEY ARE ALLOWED TO MAKE. THE SHROUD OF OFFICIAL SECRECY WHICH CONCEALS SO MUCH THAT GOES ON IN THE CSSR, PARTICULARLY FROM WESTERN EYES, MAKES IT IMPOSSIBLE FOR US TO MEASURE THE GAP BETWEEN LEGALISMS AND PRACTICE REGARDING LABOR STANDARDS. OSTENSIBLY THERE IS NO DIFFERENCE IN THE ENFORCEMENT OF THESE STANDARDS BETWEEN THE EXPORT AND REPORT SUBSTITUTION SECTORS AND OTHER SECTORS, BUT WE CANNOT VERIFY WHETHER THIS APPLIES IN PRACTICE.

3. TO ANSWER SPECIFIC QUESTIONS IN REFTEL, EMBASSY IS POUCHING TWO GOC DOCUMENTS THAT RELATE TO LABOR STANDARDS IN CSSR:

(A) BULLETIN OF CZECHOSLOVAK LAW, VOLUME 13, 1-2 OF 1974, ON THE LABOGUIADE, IN ENGLISH; JW

(B) ZAKONNIK PRACZJR SUVISIACE PREDPISY (LABOR LAW CODE AND PERTINENT REGULATIONS), IN SLOVAK.

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4. PUBLICATION (A) COVERS FOLLOWING TOPICS ON PAGES CITED BELOW:

(A) WAGES: SECTIONS 111 TO 131 (PP. 110-119);
(B) WORKING TIME: SECTIONS 83 TO 99/A (PP. 99-105);
(C) WOMEN'S LABOR: SECTIONS 149 TO 162 (PP. 125-129);
(D) ADLOESCENT LABOR: SECTIONS 163 TO 169 (PP. 130-131);
(E) LABOR SAFETY: SECTIONS 132 TO 138 (PP. 119-122);
(F) SIDE JOBS AND EXTRACURRICULAT ACTIVITY: SECTIONS 69 TO 71 (PP. 94-95);
(G) LEAVE: SECTIONS 100 TO 110 (PP. 105-110); AND
(H) WORKERS' LIABILITY FOR DAMAGES: SECTIONS 172 TJSTQIY (PP. 132-136).

5. EMBASSY REGRETS THAT WE CANNOT PROVIDE MORE DEFINITIVE ANSWERS TO REFTEL QUESTIONS. GOC OFFICIAL RESPONSIBLE

FOR THESE TOPICS ARE NOT NORMALLY ACCESSIBLE TO US AND WOULD UNDOUBTEDLY SHED LITTLE LIGHT ON TRUE SITUATION AND PRACTICE IF THEY WERE.

6. A MORE IMPORTANT FACTOR THAT LABOR STANDARDS IN
AFFECTING TRADE WITH CSSR (AND OTHER COMMUNIST COUNTRIES)
IS, OF COURSE, THE ABSENCE OF MARKET-DETERMINED PRICES
FOR EXPORTS, OTHER OUTPUT AND FACTORS OF PRODUCTION.
GOC BUREAUCRATS SET THOUSANDS OF LOCAL PRICES, AND
POSSIBILITIES FOR DISTORTING TRADE PATTERNS THROUGH
PRICE-SETTING ARE ALMOST ENDLESS.
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